

**REQUEST FORM FOR
APPLICATION UNDER 37 CFR 1.53(b)**

DOCKET NUMBER: 50179-110

Prior Application:

Art Unit: 1638
Examiner: Kubelik

BOX

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Sir:

This is a Request for filing a Continuation application under 37 CFR 1.53(b) of pending prior application Serial No. **09/463,048**, for which the PCT International Application was filed on January 28, 2000 and the formal requirements were met **April 4, 2000**, entitled **TOXIN GENES FROM THE BACTERIA XENORHABDUS NEMATOPHILUS AND PHOTORHABDUS LUMINESCENS**, by the following named inventor: Peter David EAST.

1. ☒ I hereby state that the enclosed application contains no new matter.
2. Oath or Declaration
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
 - i. ☐ Deletion of inventor(s)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
3. ☒ Incorporation By Reference (useable if Box 2b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 2b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
4. ☒ Preliminary Amendment is enclosed.
5. ☒ An Information Disclosure Statement and PTO1449 Form are submitted herewith.
6. ☒ Cancel claims 1-17.



20277

PATENT TRADEMARK OFFICE

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7. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 6 above:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	AMOUNT
Total Claims	5	-20	0	\$18.00 =	\$0.00
Independent Claims	1	-3	0	\$84.00 =	\$0.00
Basic Application Fee					\$750.00
If multiple dependent claims are presented, add \$0.00					\$0.00
Total Application Fee					\$750.00
Subtract ½ if small entity					\$0.00
TOTAL APPLICATION FEE DUE					\$750.00
AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT NO. 500417					\$750.00

- 7a. ☐ Enclosed is a Verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.
- 7b. ☐ A verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 was filed in prior application and such status is still proper and desired.
- 8a. ☒ **PLEASE CHARGE DEPOSIT ACCOUNT 500417 in the amount of \$750.00**
- 8b. ☒ The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application Serial No. **09/463,048** or credit any overpayment to Deposit Account No. 500417.
9. ☒ Amend the specification by inserting before the first line the sentence:

--This application is a **continuation** of Application Serial No. **09/463,038** filed **April 4, 2000** which is a **371** application of **PCT/AU98/00562**--
10. ☒ Priority of Application Serial No. **P0 8088** filed on **July 17, 1997**, in **Australia** is claimed under 35 USC 119. The certified priority document was filed in Application Serial No. **09/463,038** by **WIPO**.
11. ☒ The prior application is assigned of record to

COMMONWEALTH SCIENTIFIC AND INDUSTRIAL ORGANISATION
Campbell, AUSTRALIA
12. ☒ The power of attorney in the prior application is to:

McDermott, Will & Emery
13. ☒ Also enclosed:
Correspondence Address Change
Substitute Declaration

14. ☐ A petition, fee and response has been filed to extend the term in the pending prior application until .

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Robert L. Price REG. NO. 39,048
FOR Robert L. Price
Registration No. 22,685

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Facsimile: (202) 756-8087
Date: July 14, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
:
Peter David EAST :
:
Serial No.: Continuation of :
Appln. Serial No. 09/463,048 : Group Art Unit: Not yet assigned
:
Filed: July 14, 2003 : Examiner: Not yet assigned
:
For: TOXIN GENES FROM THE BACTERIA XENORHABDUS NEMATOPHILUS AND
PHOTORHABDUS LUMINESCENS

CORRESPONDENCE ADDRESS CHANGE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


Please change the records to indicate the current firm name and telephone number for the
above-identified application and forward all future correspondence as follows:

McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

202-756-8000
Facsimile: 202-756-8087

Respectfully submitted,

McDERMOTT, WILL & EMERY

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